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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,915

09/15/2005

Bernard Guglielmini

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EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

03/30/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,915	<b>Applicant(s)</b> GUGLIELMINI ET AL.	
	<b>Examiner</b> Lorna M. Douyon	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. This action is responsive to the amendment filed on January 15, 2009.
2. Claims 1-11 and 13-17 are pending.
3. The rejection/objection to the oath or declaration for lack of Applicants' signature is withdrawn. Again, the Examiner apologizes for the inadvertent error.
4. The objection to the disclosure on page 2, line 24, and page 6, line 23 of the specification is withdrawn in view of Applicants' amendment.
5. The rejection of claims 1-11 and 13-17 under 35 U.S.C. 112, first paragraph is withdrawn in view of Applicants' amendment.
6. The rejection of claims 3 and 5 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicants' amendment.

***Claim Objections***

7. Claims 3 and 5 are objected to because of the following informalities:
  - a) in claim 3, "at" should be added before "least". Presumably this term was inadvertently left out in the present amendment because the previous claim contain this term.

b) in claim 5, the term "the" is repeated (see lines 1 and 2), and the phrase "the thinner at least part of the first wall" in line 2 appears to be grammatically incorrect.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-7, 9-11, 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catlin et al. (US Patent No. 7,125,828), hereinafter "Catlin".

Catlin teaches a water-soluble pouch which comprises a plurality of compartments in generally superposed or superposable relationship, for example, the plurality of compartments can be symmetrically arranged one above another, side by side (such that they can be folded into a superposed relationship) or any other convenient disposition provided that the compartments are superposable in use, each containing one or more detergent active or auxiliary components (see abstract; col. 3, lines 53-59). Water-soluble film of different thickness can be used to obtain differential dissolution under in-use conditions (see col. 5, lines 62-64; col. 19, lines 57-61). Rectangular pouches inherently have regions of different film thickness on the film and this can contribute to improve the dissolution profile of the pouch (see col. 7, lines 42-

Art Unit: 1796

45). Preferred pouch materials are polymeric materials such as polyvinyl alcohols or polysaccharides including starch (see col. 14, lines 29-42). The open pouches can be formed using thermoforming (see col. 7, lines 46-49), which are covered, closed and sealed with film closure means after filling (see col. 9, lines 1-4). In the process of making the pouch, Catlin teaches that the film can be held with grips or clips on the edges of the surface where there are no moulds (see col. 22, lines 16-22). Catlin, however, fails to specifically disclose at least part of the wall of at least one chamber will dissolve before the remainder wall of the chamber, the at least part of the wall which dissolves before the remainder wall dissolves defining a releasable part which is released undissolved, as required in claim 1, wherein the releasable part is a panel, as required in claim 2; a clip as required in claim 3; and wherein the pouch is formed by injection moulding as required in claim 6 and 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the thin portion of the water soluble pouch of Catlin to dissolve first, thereby releasing the thick portion which reads on the panel because the water soluble pouch of Catlin has regions of different film thickness.

It would also have been obvious to one of ordinary skill in the art at the time the invention was made to seal the pouch of Catlin with clips because it is shown by Catlin in col. 22, lines 16-22 that the water-soluble film can be held with clips, hence, it would also be reasonable to seal it with clips because it is generally known to seal open pouches with clips.

With respect to the pouch being formed by injection moulding, it should be noted that claims 6 and 14 are product-by-process claims, hence, any difference imparted by the product by process limitations would have been obvious to one having ordinary skill in the art at the time the invention was made because where the examiner has found a substantially similar product as in the applied prior art, the burden of proof is shifted to the applicant to establish that their product is patentably distinct, not the examiner to show the same process of making, see *In re Brown*, 173 USPQ 685 and *In re Fessmann*, 180 USPQ 324.

10. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catlin as applied to the above claims, and further in view of Desmarais et al. (US Patent No. 6,484,879), hereinafter "Desmarais".

Catlin teaches the features as described above. Catlin, however, fails to disclose polylactic acid as the material for the water-soluble container.

Desmarais, an analogous art, teaches the equivalency of polyvinyl alcohol and polylactic acid as water-soluble film materials for a water soluble bag (see claim 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the polyvinyl alcohol of Catlin with polylactic acid because the substitution of art recognized equivalents as shown by Desmarais is within the level of ordinary skill in the art.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/  
Primary Examiner, Art Unit 1796

Application/Control Number: 10/519,915  
Art Unit: 1796

Page 7